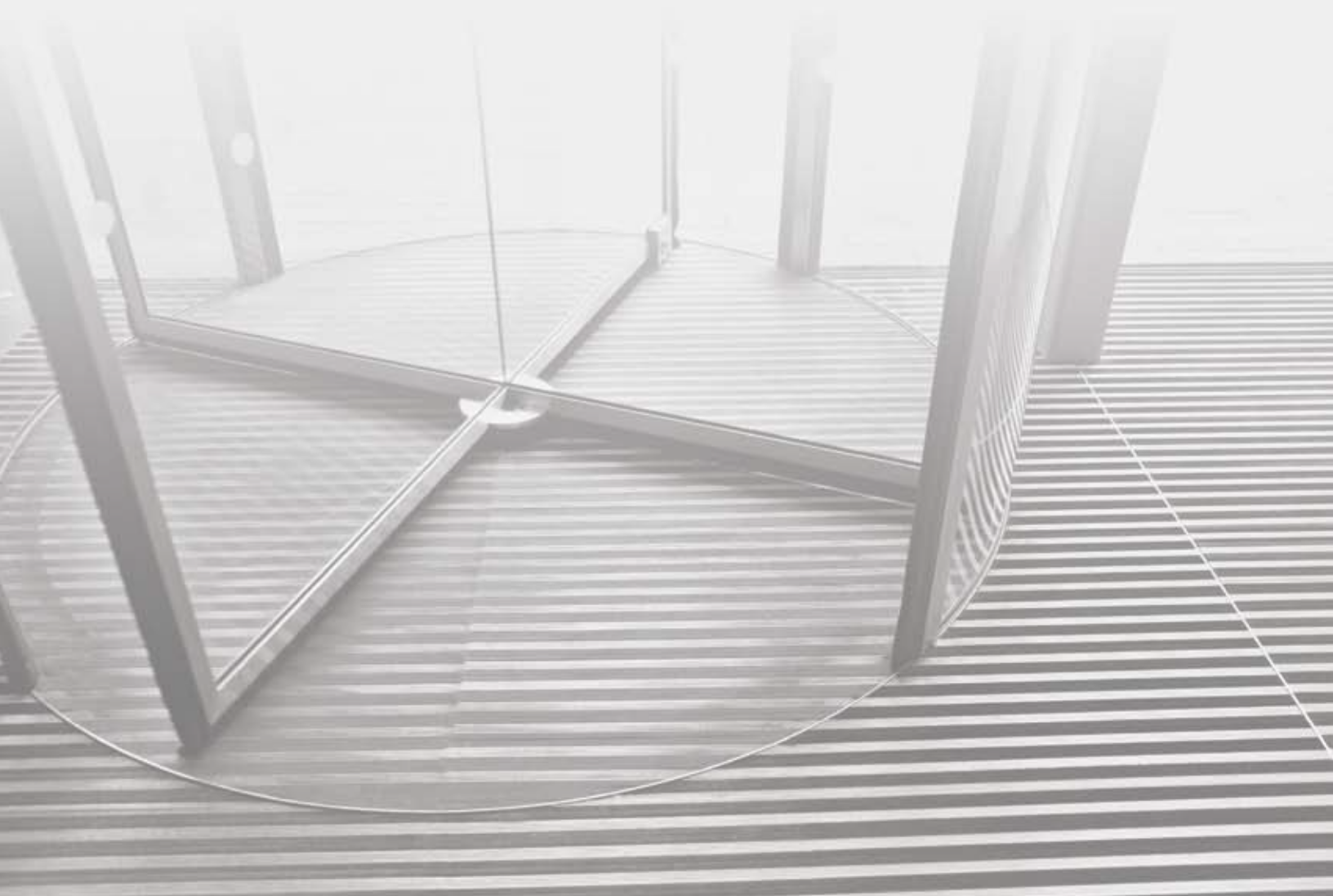


THE
PEW
CENTER ON THE STATES

State of Recidivism

The Revolving Door of America's Prisons



APRIL 2011

The Pew Center on the States is a division of The Pew Charitable Trusts that identifies and advances effective solutions to critical issues facing states. Pew is a nonprofit organization that applies a rigorous, analytical approach to improve public policy, inform the public and stimulate civic life.

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ACKNOWLEDGMENTS

We thank the survey respondents from departments of corrections in all responding states, and our survey and data partners at the Association of State Correctional Administrators: George Camp and Camille Camp, co-executive directors; Patricia Hardyman, senior associate, Camelia Graham, statistician and Fred Levesque, consultant. We also greatly appreciate the contributions of Jenifer Warren, John Prevost of the Georgia State Board of Pardons and Paroles, James F. Austin of the JFA Institute, Michael Connelly of the Oklahoma Department of Corrections, Tony Fabelo of the Council of State Governments Justice Center and Howard Snyder of the Bureau of Justice Statistics. We also thank Pew colleagues Nancy Augustine, Michael Caudell-Feagan, Lynette Clemetson, Kil Huh, Jennifer Peltak, Evan Potler, Joan Riggs, Aidan Russell, Carla Uriona, Gaye Williams and Denise Wilson.

Suggested Citation: Pew Center on the States, *State of Recidivism: The Revolving Door of America's Prisons* (Washington, DC: The Pew Charitable Trusts, April 2011).

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Launched in 2006, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.

Executive Summary

The dramatic growth of America's prison population during the past three decades is by now a familiar story. In 2008, the Pew Center on the States reported that incarceration levels had risen to a point where one in 100 American adults was behind bars. A second Pew study the following year added another disturbing dimension to the picture, revealing that one in 31 adults in the United States was either incarcerated or on probation or parole.

The costs associated with this growth also have been well documented. Total state spending on corrections is now about \$52 billion, the bulk of which is spent on prisons. State spending on corrections quadrupled during the past two decades, making it the second fastest growing area of state budgets, trailing only Medicaid.

While America's imprisonment boom and its fiscal impacts have been widely debated, the public safety payoff from our expenditures on incarceration has undergone far less scrutiny. Now, however, as the nation's slumping economy continues to force states to do more with less, policy makers are asking tougher questions about corrections outcomes.

One key element of that analysis is measuring recidivism, or the rate at which offenders return to prison. Prisons, of course, are not solely responsible for recidivism results. Parole and probation agencies, along with social service providers and community organizations, play a critical role.

Although preventing offenders from committing more crimes once released is only one goal of the overall correctional system, it is a crucial one, both in terms of preventing future victimization and ensuring that taxpayer dollars are spent effectively. This report seeks to elevate the public discussion about recidivism, prompting policy makers and the public to dig more deeply into the factors that impact rates of return to prison, and into effective strategies for reducing them.

A Fresh Look at the Numbers

For years the most widely accepted sources of national recidivism statistics have been two studies produced by the U.S. Department of Justice's Bureau of Justice Statistics (BJS). The most recent of those reports, which tracked offenders released

from state prison in 1994, concluded that a little more than half of released offenders (51.8 percent) were back in prison within three years, either for committing a new crime or for violating rules of their supervision. Published in 2002, the BJS study followed a sample of offenders from 15 states, and did not provide any state-level recidivism data.

Recognizing the importance of recidivism to policy makers seeking better results from their correctional systems, Pew, in collaboration with the Association of State Correctional Administrators (ASCA), undertook a comprehensive survey aimed at producing the first state-by-state look at recidivism rates. The Pew/ASCA survey asked states to report three-year return-to-prison rates for all inmates released

from their prison systems in 1999 and 2004. This survey differs from the prior BJS study in many important ways, the most significant of which is that it includes recidivism data from more than twice as many states.

According to the survey results, 45.4 percent of people released from prison in 1999 and 43.3 percent of those sent home in 2004 were reincarcerated within three years, either for committing a new crime or for violating conditions governing their release. While differences in survey methods complicate direct comparisons of national recidivism rates over time, a comparison of the states included in both the Pew/ASCA and BJS studies reveals that recidivism rates have been largely stable. When excluding California, whose size skews the national picture, recidivism rates between 1994 and 2007 have consistently remained around 40 percent.

The new figures suggest that despite the massive increase in corrections spending, in many states there has been little improvement in the performance of corrections systems. If more than four out of 10 adult American offenders still return to prison within three years of their release, the system designed to deter them from continued criminal behavior clearly is falling short. That is an unhappy reality, not just for offenders, but for the safety of American communities.

“

Without education, job skills, and other basic services, offenders are

likely to repeat the same steps that brought them to jail in the first place ... This is a problem that needs to be addressed head-on. We cannot say we are doing everything we can to keep our communities and our families safe if we are not addressing the high rate at which offenders are becoming repeat criminals.”

Louisiana Gov. Bobby Jindal (R)
March 18, 2011

Variation among States

While Pew's new national numbers provide a useful and representative snapshot of recidivism, this report goes further, breaking out the figures state by state and showing change in reoffending trends over time. The result is a patchwork of recidivism rates that provokes myriad questions about the dramatic variations seen across the country.

For example, why do Wyoming and Oregon have the lowest overall recidivism rates for offenders released in 2004, and why do Minnesota and California have the highest? Why does North Carolina return relatively few ex-offenders to prison for technical violations of their parole, but reincarcerate a comparatively large proportion for new crimes? What drove the recidivism rate down by 22.1 percent in Kansas between 1999 and 2004, and what drove it up 34.9 percent in South Dakota during the same time period?

The causes of these variations are not always what they seem, and we explore some individual state stories, along with

some of the variables that influence recidivism patterns. We also examine policies and practices with demonstrated success in helping states reduce their recidivism rates. These strategies, anchored in research and proven over time, include the use of sophisticated risk assessments, meticulous reentry planning and post-release supervision carefully tailored to each offender's circumstances. By employing such measures and other evidence-based interventions, states can improve the odds that released offenders will not reappear at the prison gate. That outcome benefits everyone, saving public funds and keeping communities safe.

“

By reducing the rate of offenders who return to prison, we keep our communities safer, our families more intact, and we're able to begin reinvesting incarceration costs to other critical services.”

Kentucky Gov. Steve Beshear (D)
January 4, 2011

Introduction

Since the early 1970s, prisons have been the weapon of choice in America's fight against crime. Between 1973 and 2009, the nation's prison population grew by 705 percent, resulting in more than one in 100 adults behind bars.¹ This growth came at substantial cost, with annual state and federal spending on corrections exploding by 305 percent during the past two decades, to about \$52 billion.² During that same period, corrections spending doubled as a share of state funding. It now accounts for one of every 14 general fund dollars,³ and one in every eight state employees works for a corrections agency.⁴

This high price would be more than defensible had it yielded proportionate improvements in public safety. In fact, the crime rate has been falling since the early 1990s, and is now at its lowest level since 1968.⁵ Prison expansion certainly contributed to this trend. The most sophisticated research gives prison growth credit for one-quarter to one-third of the crime drop during the 1990s.⁶ Other factors likely included advances in law enforcement practices, changes in drug markets and an aging American population, to name a few.

However, a deeper look at the data reveals a far more complicated picture with significant implications for public policy:

- During the past 10 years, all 19 states that cut their imprisonment rates also experienced a decline in their crime rates.⁷
- Florida and New York began the twenty-first century with nearly the same size prison population (about 70,000 inmates). During the ensuing decade, Florida added 30,000 inmates and now has more than 100,000 persons behind bars. Meanwhile, New York's prison population fell below 60,000. Yet the crime rate dropped in both states by about the same rate. In fact, New York's crime drop was slightly larger (29.2 percent) compared with Florida's (28.2 percent).
- Researchers calculate that we are past the point of diminishing returns, where each additional prison cell provides less and less public safety benefit. For example, in 1980, Washington State received more than \$9 in benefits for every dollar spent locking up drug offenders; now that

there are so many people behind bars, the state receives just 37 cents in benefits for each dollar spent.⁸

- Finally, if prisons helped cut crime by at most one-third, then other factors and efforts must account for the remaining two-thirds of the reduction. And because prisons are the most expensive option available, there are more cost-effective policies and programs. For example, it costs an average of \$78.95 per day to keep an inmate locked up, more than 20 times the cost of a day on probation.⁹

Figures like these, along with massive state budget shortfalls, have helped contribute

to a growing national movement that puts prison spending under greater scrutiny than ever before. For most of the past 40 years, the most common question policy makers asked about the budgets of state departments of corrections was simply “How many more prisons do we need?” Today state and national leaders from both parties are asking a much tougher question: “How do we get taxpayers a better public safety return on their corrections dollars?”

Recidivism as a Performance Measure

In their efforts to answer that question, many states are taking a hard look at their recidivism rate as a key indicator of the return they receive from their correctional investments. Prisons serve multiple purposes, including exacting retribution for breaking the law, separating offenders from society so they cannot commit more crimes, deterring the general population from committing crimes and discouraging incarcerated offenders from committing new crimes once they are released. The last goal—avoiding future criminal conduct through deterrence and rehabilitation—is measured by the recidivism rate and has long been considered the leading statistical indicator of return on correctional investment.

To be sure, the performance of corrections agencies should be judged by whether the recidivism rate is

“To increase public safety in this austere budget environment, we must support cost-effective efforts by states that are grounded in the ‘best practices’ and draw on the latest innovations from public corrections and the faith-based community ... For many years, reducing recidivism seemed nearly impossible. Now, many states are starting to turn a corner through commonsense and cost-effective reforms.”

U.S. Rep. Frank Wolf (R-VA, chair, Subcommittee on Commerce, Justice, Science and Related Agencies, Committee on Appropriations)
January 8, 2011

rising or falling over time. All other things being equal, a state where corrections agencies are strategically improving their release preparation and supervision strategies will see its recidivism rate drop.

Policy makers should exercise caution, however, before merely accepting low or high recidivism numbers as evidence of successful or failing correctional programs. A low recidivism rate does not always reflect the use of sound release preparation and supervision strategies. By contrast, they also may be the by-product of a wide range of other factors, such as policies that send low-risk offenders to prison instead of granting probation, which is likely to result in a low rate of reoffending but at a higher cost. Moreover, beyond the justice system, recidivism rates can be influenced by larger social and economic forces. Therefore, any evaluation of recidivism data must include an understanding of this broader context and the larger policies and practices that drive the numbers.

For this reason, states in this report are presented in alphabetical order, rather than ranked by recidivism rate. Readers are advised to focus on differences within states over time, and to probe for reasons why one state's recidivism rate might be higher than its neighbor's rather than to make judgments about the performance of its corrections agencies based on this single indicator.

Overview of the Study

At a time when states are mired in fiscal crises and struggling with painful budget choices, policy makers need updated information about the public safety return on corrections spending in their states. Specifically, they need knowledge about what is working—and what is not—to slow down the revolving door of prisons.

To help them along that path, Pew undertook a first-of-its-kind project—a survey of every state's department of

WHAT IS THE RECIDIVISM RATE?

Recidivism is the act of reengaging in criminal offending despite having been punished. The prison recidivism rate—the subject of this report—is the proportion of persons released from prison who are rearrested, reconvicted or returned to custody within a specific time period. Typically, recidivism studies follow released offenders for three years following their release from prison or placement on probation. Offenders are returned to prison for one of two reasons:

1. For committing a new crime that results in a new conviction
or
2. For a technical violation of supervision, such as not reporting to their parole or probation officer or failing a drug test



Prisons are often the forgotten element of the criminal justice system until things go badly. Catching the guy and prosecuting him is really important work, but if we don't do anything with that individual after we've got him, then shame on us. If all that effort goes to waste and we just open the doors five years later, and it's the same guy walking out the door and the same criminal thinking, we've failed in our mission."

Minnesota Commissioner of Corrections Tom Roy
April 7, 2011

corrections—with the aim of creating a single source of state-level recidivism data.¹⁰ The survey, conducted with assistance from the Association of State Correctional Administrators (ASCA), asked states to provide recidivism rates for the 36 months following an offender's release from prison.¹¹ States also were asked to

specify whether an individual was returned to prison for a new criminal conviction or for a technical violation of the terms of his or her supervision. The survey sought estimates of recidivism for two cohorts of prisoners, those released in 1999 and for a second group released in 2004.

Thirty-three states responded with data for the 1999 release cohort, and 41 states provided data for offenders released in 2004, allowing for an analysis of recidivism trends in almost three dozen states that represent 87 and 91 percent of all releases from state prison, respectively.¹² This report provides the first opportunity to examine intrastate rates over time. These data provide crucial insight to policy makers as they assess the performance of their state's correctional system. Those states that did not participate either were unable to respond to our survey because they had not collected data on recidivism for the requested period(s) or they did not respond to numerous efforts to contact state officials. The Appendix contains more information on the research methodology.

A Closer Look at Recidivism Rates

New Figures Show Steady National Recidivism Rate

The Pew/ASCA survey found the three-year return-to-prison rate for inmates released in 1999 to be 45.4 percent, and 43.3 percent for those released in 2004. Recidivism rates changed little between the 1999 and 2004 release cohorts, despite more than 63,000 more people being discharged from prison in 2004. The total number of releases from prison increased by 13.5 percent in the 33 states that reported data for both 1999 and 2004

(see Exhibit 1 for state-by-state data). The number of prisoners released increased in 29 states but decreased in four. Across the 33 states that reported for both periods, the recidivism rate declined slightly, dropping 4.8 percent between the cohorts.

Despite a nearly two-decade decline in national crime rates, the rate of reincarceration for a new crime among those persons released from prison increased by 11.9 percent between the two cohorts in this study. However, this increase was offset by a 17.7 percent drop in the rate of offenders returned for a technical violation. These numbers suggest that states are improving their responses to community supervision violations, thereby reserving prison space for ex-offenders who have committed new crimes. Nevertheless, the increase in the rate of returns for new crimes underscores the need for states to identify and implement evidence-based strategies that protect public safety and hold offenders accountable.

Prior to this research, the most recent studies of national recidivism rates by BJS found that the rate of released

“ I believe in, and we have, tough statutes and sentences for those who break our laws and endanger our citizens and communities. As a result, our crime rates are down. However, our recidivism rate is still too high. Reduction in recidivism means fewer victims, and less prison costs.”

Virginia Gov. Bob McDonnell (R)
January 12, 2011

State Prison Releases and Recidivism Rates

| | Releases 1999–2002 | Recidivism | Releases 2004–2007 | Recidivism |
|----------------|--------------------|------------|--------------------|------------|
| Alabama | 8,771 | 36.0% | 10,880 | 35.1% |
| Alaska* | N/A | N/A | 11,619 | 50.4% |
| Arizona | 13,091 | 39.6% | 15,795 | 39.1% |
| Arkansas* | 5,663 | 49.0% | 6,244 | 44.4% |
| California | 126,456 | 61.1% | 118,189 | 57.8% |
| Colorado | N/A | N/A | N/A | N/A |
| Connecticut* | 13,950 | 45.8% | 16,100 | 43.7% |
| Delaware | N/A | N/A | N/A | N/A |
| Florida | N/A | N/A | N/A | N/A |
| Georgia* | 16,951 | 38.0% | 18,972 | 34.8% |
| Hawaii | N/A | N/A | N/A | N/A |
| Idaho | 1,071 | 33.0% | 1,574 | 33.6% |
| Illinois | 25,025 | 51.8% | 35,606 | 51.7% |
| Indiana | N/A | N/A | 13,651 | 37.8% |
| Iowa* | 2,953 | 32.4% | 3,533 | 33.9% |
| Kansas* | 5,088 | 55.1% | 5,178 | 42.9% |
| Kentucky | 7,622 | 38.8% | 10,743 | 41.0% |
| Louisiana | 12,787 | 43.9% | 13,391 | 39.3% |
| Maine | N/A | N/A | N/A | N/A |
| Maryland | N/A | N/A | N/A | N/A |
| Massachusetts* | 2,860 | 38.1% | 2,299 | 42.2% |
| Michigan | 10,985 | 38.0% | 14,217 | 31.0% |
| Minnesota | 3,940 | 55.1% | 5,189 | 61.2% |
| Mississippi | 5,742 | 26.6% | 8,428 | 33.3% |
| Missouri | 12,974 | 48.7% | 18,637 | 54.4% |
| Montana | 906 | 41.8% | 1,253 | 42.1% |
| Nebraska | 1,612 | 28.8% | 1,846 | 32.3% |
| Nevada | N/A | N/A | N/A | N/A |

(continued)

Exhibit 1

State Prison Releases and Recidivism Rates *(continued)*

| | 1999–2002 | | 2004–2007 | |
|----------------|----------------|--------------|----------------|--------------|
| | Releases | Recidivism | Releases | Recidivism |
| New Hampshire* | N/A | N/A | 1,082 | 44.2% |
| New Jersey | 14,034 | 48.2% | 14,039 | 42.7% |
| New Mexico | N/A | N/A | 3,615 | 43.8% |
| New York | 25,592 | 39.9% | 24,921 | 39.9% |
| North Carolina | 23,445 | 43.8% | 22,406 | 41.1% |
| North Dakota | N/A | N/A | 845 | 39.6% |
| Ohio | 22,128 | 39.0% | 26,695 | 39.6% |
| Oklahoma | 7,802 | 24.1% | 8,159 | 26.4% |
| Oregon | 2,769 | 33.4% | 4,202 | 22.8% |
| Pennsylvania | 6,844 | 36.6% | 8,750 | 39.6% |
| Rhode Island | N/A | N/A | 770 | 30.8% |
| South Carolina | 9,299 | 26.8% | 11,211 | 31.8% |
| South Dakota | 1,231 | 33.7% | 2,034 | 45.5% |
| Tennessee | N/A | N/A | N/A | N/A |
| Texas* | 56,571 | 32.1% | 72,130 | 31.9% |
| Utah | 2,563 | 65.8% | 3,056 | 53.7% |
| Vermont | N/A | N/A | N/A | N/A |
| Virginia | 8,997 | 29.0% | 11,999 | 28.3% |
| Washington | 5,738 | 32.8% | 8,093 | 42.9% |
| West Virginia | N/A | N/A | 1,346 | 26.8% |
| Wisconsin* | 5,206 | 46.1% | 8,501 | 46.0% |
| Wyoming | N/A | N/A | 705 | 24.8% |
| Total | 470,666 | 45.4% | 567,903 | 43.3% |

NOTES: The national total for 1999–2002 is not directly comparable to the national total for 2004–2007 because eight states did not report data for the 1999–2002 cohort. The 2004–2007 recidivism rate for the 33 states that reported data in both years is 43.3 percent, but the total releases are 534,270. Data are missing for nine states (Colorado, Delaware, Florida, Hawaii, Maryland, Maine, Nevada, Tennessee and Vermont). Eight additional states provided data for 2004–2007 only (Alaska, Indiana, North Dakota, New Hampshire, New Mexico, Rhode Island, West Virginia and Wyoming).

*See the jurisdictional notes in the Appendix for information about this state.

SOURCE: Pew/ASCA Recidivism Survey.

prisoners who were reincarcerated within three years of release had increased sharply.¹³ For inmates released in 1983, the estimated national recidivism rate was 41.4 percent; for prisoners released in 1994, it had jumped to 51.8 percent. The Pew/ASCA survey differs from the prior BJS studies in many important ways. See the Appendix for a discussion of the differences between the studies.

While differences in survey methods complicated direct comparisons of national recidivism rates over time, a comparison of the states included in both the Pew/ASCA and BJS studies reveals that recidivism rates have been largely stable since the mid-1990s. The high number of releases and rate of return for offenders from California has a significant impact on the national recidivism rates. When California is excluded from the national figures, the recidivism rate for the remaining states declines to 39.7 percent and 38.5 percent for the 1999 and 2004 release cohorts, respectively. These rates are similar to the 40.1 percent rate that BJS produced for its 1994 release cohort when excluding California. This suggests that the overall national recidivism rate has been largely stable, with roughly four in 10 prisoners returning to prison within three years of release.

State Rates Vary Widely

The national recidivism rates provide an important barometer of return on

correctional investment, but they obscure key differences among the states. The correctional landscape varies dramatically in scale, policy and practice from state to state, rendering national estimates helpful for understanding broad trends and developments, but ill suited for identifying state progress and promising areas for improvement. State-level analyses uncovered interesting findings related to prisoner releases and rates of recidivism in the past decade.

Recidivism among 1999 Releases

In the 33 states that reported data for the 1999 release cohort, 45.4 percent of inmates released from prison were reincarcerated within three years. Utah

COMPARING STATE RATES: A NOTE OF CAUTION

Readers are advised to use caution when comparing recidivism rates across states. A state's recidivism rate is the product of numerous variables, and valid interstate assessments are possible only with careful study and analysis of the wide range of unique conditions affecting corrections agencies in each state.

See the Appendix for a discussion of interstate differences in the measurement and reporting of recidivism rates.

had the highest rate of recidivism, with 65.8 percent of those released from prison sent back within three years. In five states, more than half of released prisoners were returned to prison during the follow-up period.

Oklahoma had the lowest rate of recidivism, with 24.1 percent of released prisoners returned to custody. Four other states (Mississippi, Nebraska, South Carolina and Virginia) reported three-year recidivism rates of less than 30 percent.

Breaking the numbers down further, 19.9 percent of all released offenders were reincarcerated for a new crime and 25.5 percent were returned for a technical violation of supervision (Exhibit 2). States' rates of recidivism for a new crime ranged from a high of 41.9 percent in North Carolina to a low of 8 percent in Georgia. Recidivism for technical violations was equally varied, topping out at 51.2 percent in Utah and dipping as low as 1.9 percent in North Carolina.

Recidivism among 2004 Releases

Findings for the 2004 release cohort largely mirrored those for the 1999 group, with some interesting state variations. Figures from the 41 participating states showed that 43.3 percent of people released from prison in 2004 were returned within three years. Minnesota reported the highest recidivism rate, with 61.2 percent of released prisoners

returning to custody within three years. Six states had recidivism rates that were above 50 percent.

Oregon had the lowest rate of recidivism in the country for prisoners released in 2004—22.8 percent. Nationally five states reported recidivism rates under 30 percent for their 2004 releases.

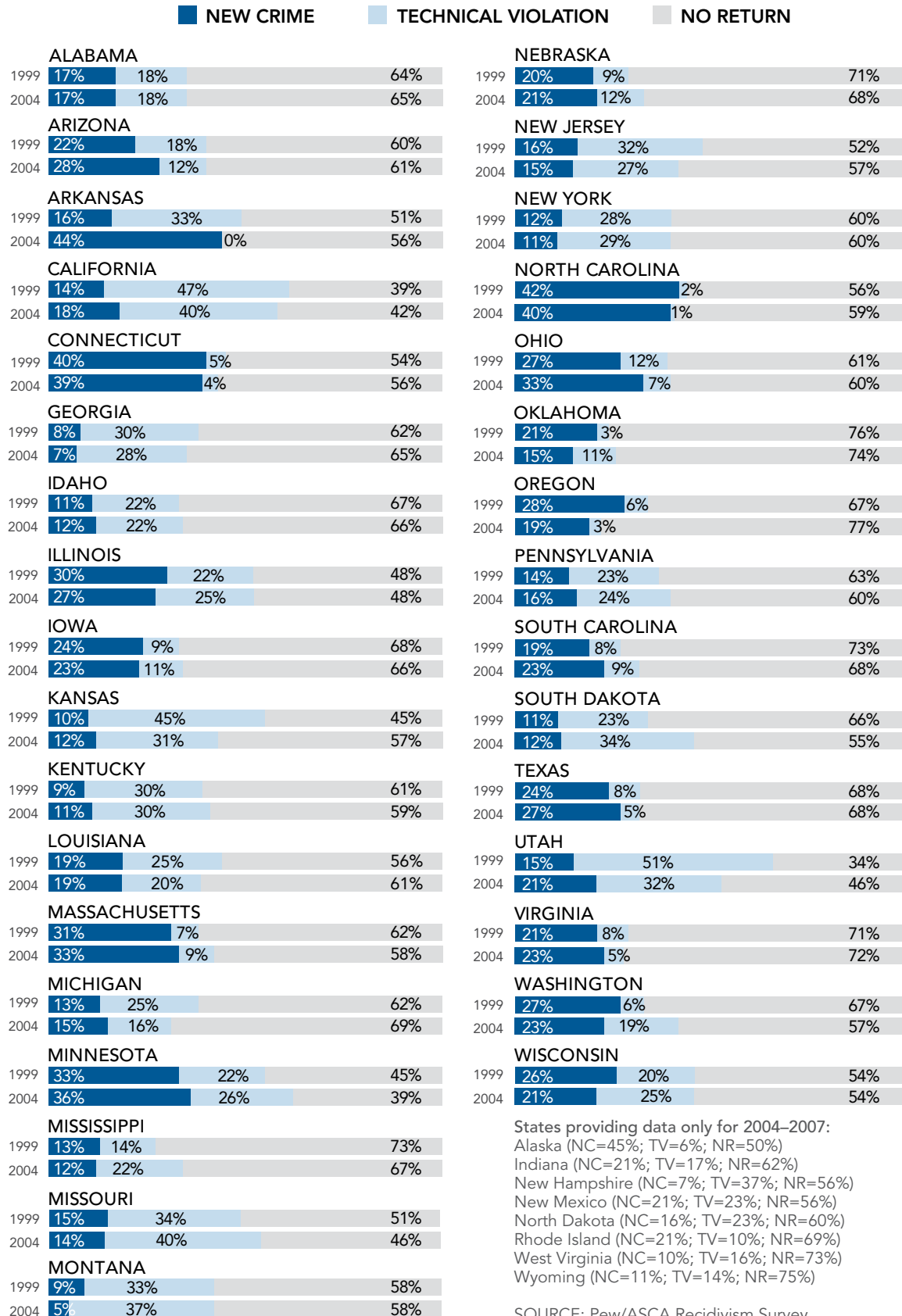
Among this group of released offenders, 22.3 percent were returned to prison for a new crime and 21 percent were returned for a technical violation of supervision. Alaska reported the highest rate of recidivism for a new crime (44.7 percent), while Montana reported the lowest rate (4.7 percent). A look at technical violations leading to reincarceration showed rates as high as 40.3 percent in Missouri and as low as zero in Arkansas. The reason for Arkansas's results: the Department of Community Corrections operates two distinct programs as alternatives to traditional incarceration for adult offenders who fail to comply with the terms of parole supervision.

How Have Recidivism Rates Changed?

The Pew/ASCA study shows a nearly even split between states that had increasing and decreasing rates of recidivism between the 1999 and 2004 releases (Exhibit 3). Oregon, Kansas and Utah led the country in declining returns to prison during the

The Cycle of Prison Release

This graph shows the proportion of released offenders who returned to prison for either committing a new crime or a technical violation as well as those who did not return within three years.



SOURCE: Pew/ASCA Recidivism Survey.

study period, with Oregon reporting the steepest drop of 31.9 percent. Louisiana, Michigan and New Jersey also reported decreases of at least 10 percent.

Meanwhile, South Dakota and Washington State reported increases of greater than 30 percent. Six other states (Massachusetts, Minnesota, Mississippi, Missouri, Nebraska and South Carolina) reported

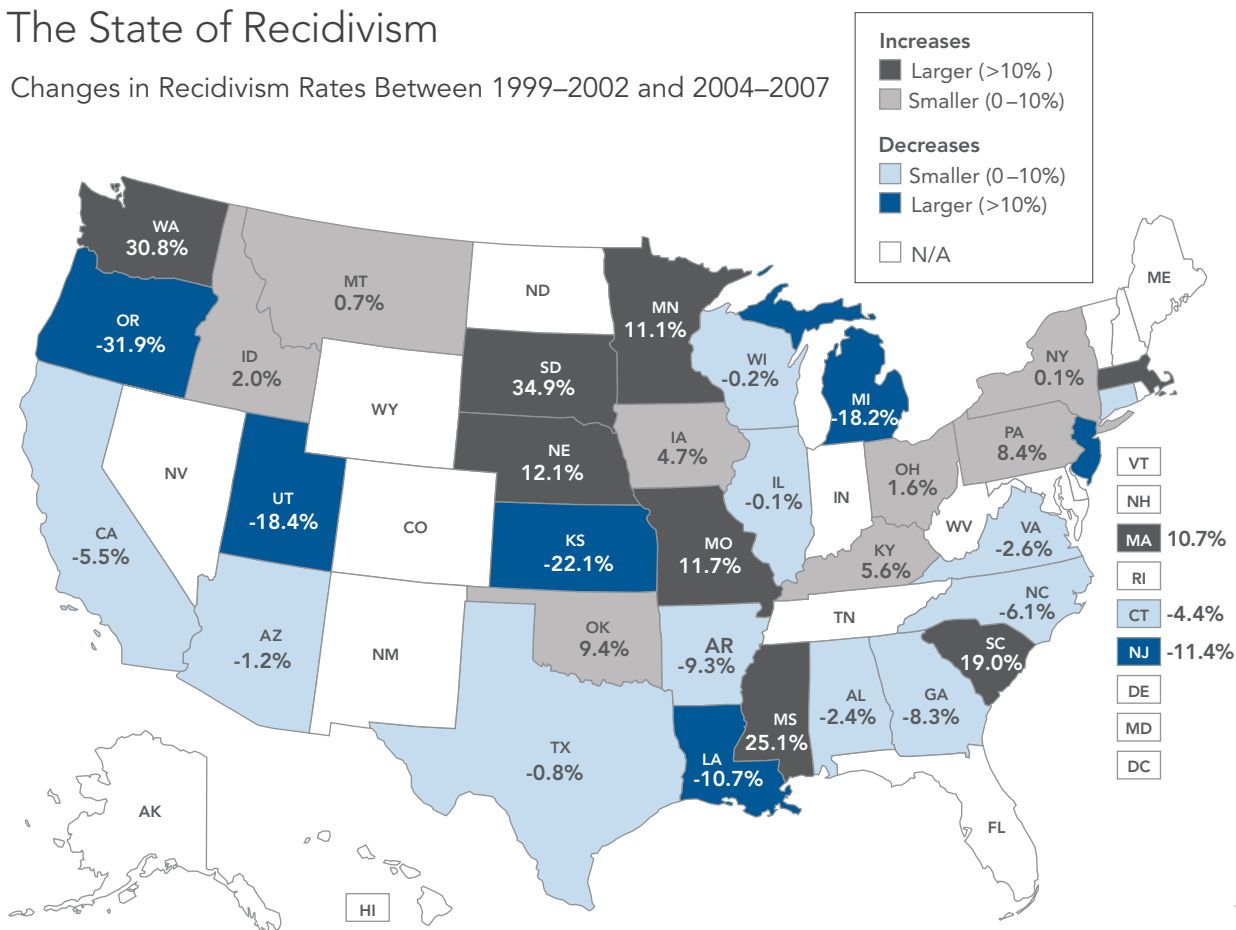
increases of greater than 10 percent in their recidivism rates between the 1999 and 2004 cohorts.

Focusing the lens more tightly, Montana and Oregon documented the largest declines in new crime returns while North Carolina, Ohio and Oregon reported the largest decreases in returns for technical violations of supervision.

Exhibit 3

The State of Recidivism

Changes in Recidivism Rates Between 1999–2002 and 2004–2007



SOURCE: Pew/ASCA Recidivism Survey.

Unpacking the Numbers

Recidivism rates vary widely among the states, and there are a number of potential explanations for the differences. Many deliberate policy decisions, such as the types of offenders sentenced to prison, how inmates are selected for release, the length of stay under supervision, and decisions about how to respond to violations of supervision, can have a large impact on recidivism rates. States differ markedly with regard to these practices, which influence recidivism rates to a strikingly high degree. In other words, the numbers are only one piece of the puzzle. In order to understand the significance of a state's recidivism rate, one must examine the underlying policies and practices that impact the number.

How Does Sentencing Policy Impact Recidivism Rates?

States that send comparatively low-risk offenders to prison are likely to see lower rearrest and violation rates compared with states that concentrate prison space on more dangerous offenders. If, for example, a state incarcerates a large proportion of lower-risk offenders, then its recidivism rate might be comparatively low, because such offenders would be, by definition, less of a

risk to return to prison. A state with a larger percentage of serious offenders behind bars, on the other hand, might experience higher rates of reincarceration when those offenders return to the community.

Oklahoma exemplifies the former example: “A lot of people who might be put on probation or diverted into an alternative program in another state wind up going to prison in Oklahoma,” notes Michael Connelly, administrator of evaluation and analysis in the Oklahoma Department of Corrections. “These lower level folks aren’t as likely to recidivate, so it benefits our overall numbers and makes us look like we’re doing an even better job than we’re doing.” Oklahoma’s overall recidivism rate for offenders released in 2004 was 26.4 percent, the third lowest in the country, the Pew/ASCA survey found.

How Does Community Corrections Policy Impact Recidivism Rates?

Few practices can influence a state’s recidivism rate more dramatically than its handling of technical violations of conditions of supervision. As a result,

“It is easy to see that we are at a critical turning point in criminal justice policies—one that will hopefully result in smart and tough policies to protect the public.”

Texas State Rep. Jerry Madden (R)
May 11, 2010

taking a close look at a state's management of such violations is key to understanding what its recidivism rate really means.

First, states that have shorter periods of post-prison supervision may have lower rates of revocation to prison, because their offenders must comply with supervision rules for shorter periods. North Carolina is a good example of this policy. Parole supervision in North Carolina lasts between six and nine months, an unusually short period. Not surprisingly, the state had the second lowest rate of technical violators returned to prison among offenders released in 2004—less than 1 percent. If you are not on parole, you are not going to be reincarcerated on a technical violation. By contrast, North Carolina has a relatively high rate of return for new crimes—40.4 percent for offenders released in 2004—placing it in the top third among states by that measure.

Second, the ability of supervision agencies to detect violations and how they respond

to such violations have a substantial impact on recidivism rates. Detection can depend on caseload sizes; the number and complexity of the rules and programs with which offenders must comply; the availability of drug testing and GPS and other monitoring systems; and the strength of the relationships that officers have with offenders' families and communities. Responses to violations are guided by supervision philosophy, and the laws and policies that specify what officers are supposed to do when various violations are discovered.¹⁴ The examples below illustrate a few ways in which management of technical violations can influence the recidivism rate.

In some states, released offenders who break the rules of their supervision are routinely punished with a short prison stay. California, for example, has for years taken this route, an approach that has helped to keep its prison population the highest in the nation. In other states, such as Oregon, the practice is to use prison only as a last resort, and technical violations are instead met with a range of sanctions in the community, sometimes including time in jail. The state that uses prison as a response would have a higher recidivism rate, because a violator's return to prison is counted in the calculation. But that higher rate would not necessarily mean that state is doing a worse job preparing offenders to succeed in the community. Rather, it is merely a reflection of how transgressions are handled.

Another variable in the mix is a state's fundamental parole policy. In some "truth in sentencing" states, where offenders serve 85 percent or more of their prison terms, there are proportionally fewer people on parole, because inmates will have at most 15 percent of their sentence left after release. Fewer parolees translate into fewer violations, and therefore a lower recidivism rate. Arizona, which applies a strict truth in sentencing standard to nonviolent as well as violent offenders, may be a case in point. The Pew/ASCA survey data show that only 11.5 percent of Arizona offenders released in 2004 returned to prison on a technical violation, ranking it in the lower third among states participating in the survey.

California is just the opposite. There, almost everyone released from prison goes on mandatory parole, typically for three years. That is a long time to abide by the often strict conditions imposed on parolees. This partly explains why California ranked second among states in the proportion of released offenders from 2004 who were returned to prison for technical violations within three years, with a rate of 40 percent. The proportion of released California offenders reimprisoned for new crimes, meanwhile, was just 17.7 percent, ranking it in the bottom half of states.

These kinds of differences substantially complicate interstate comparisons, and, much in the same way the Federal

Bureau of Investigation cautions against comparing state crime rates, great care should be used in comparing state recidivism rates. Differences among states certainly should prompt many questions, such as "Why is the rate in my state so much higher than our neighbor's?" But looking at the change within a state over time is more likely to yield a valid sense of the performance of any state's corrections system.

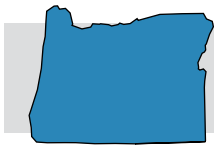
Attacking Recidivism: Examples from Three States

Assessing a state's correctional performance requires linking recidivism rates with the specific policies and practices that impact the frequency with which persons reoffend. Oregon, Michigan and Missouri are three states that took thoughtful and concerted steps to put research into practice. While none of the three would argue it has the perfect system, their stories help illuminate strategies that can help cut reoffending and corrections costs.

“

"We were frustrated with the revolving door of people moving in and out of the system ...The question was, are we doing the best we can do with the resources we've got?"

North Little Rock (AR) Police Chief Danny Bradley
March 7, 2011



LEADING THE WAY IN OREGON

One state considered a national standout in reducing recidivism is Oregon. For offenders released in 2004, Oregon recorded the lowest overall recidivism rate among the 41 reporting states, a rate of 22.8 percent. Oregon also experienced the biggest decline in recidivism from 1999 to 2004, a drop of almost 32 percent. Oregon officials attribute their success to a comprehensive approach to reform and a commitment to change that reaches across all levels of government—from the supervision officer in the field, to the judiciary, through the state corrections department and up the ranks of legislative leadership.

In prison, Oregon inmates receive risk and needs assessments at intake, and targeted case management during incarceration, along with detailed transition planning that begins six months before release. In the community, probation officers use a sanctioning grid to impose swift, certain consequences for violations, creating consistency across offenders and from county to county. In both settings, offender programs are anchored in research and continually monitored and updated to optimize their effectiveness.

The change in the handling of offenders who violate terms of their supervision was striking. In the past, parole and probation violators filled more than a quarter of Oregon’s prison beds. Today violators are rarely reincarcerated. Instead, they face an array of graduated sanctions in the community, including a short jail stay as needed to hold violators accountable. Results of the Pew/ASCA survey confirmed this—only 5.9 percent of offenders released in 1999 and 3.3 percent of the 2004 cohort were returned to prison on technical violations.

“It’s pretty rare in Oregon for someone to be violated all the way back to prison,” said Oregon Director of Corrections Max Williams, “so we don’t have that revolving door that puts so much pressure on the prison population in other states.”

A key piece of legislation, passed with bipartisan support in 2003, helped fuel Oregon’s efforts. The bill, SB 267, required that any correctional program receiving state money be evidence-based in its design and delivery.¹⁵

“I think the bill pushed Oregon forward at a faster pace, and forced us to make sure our programs were truly translating the best available research into practice in the field,” Williams said.



TURNING THE TIDE IN MICHIGAN

At the start of the millennium, Michigan did not look like a state on the cusp of inspiring correctional reform. Its myriad problems included high crime rates, a sharply rising inmate population, disappointing recidivism numbers and an economy deeply wounded by the ailing auto industry. By 2002, the state was sinking \$1.6 billion a year into corrections, almost one-fifth of its general fund.

Less than a decade later, Michigan is riding a wave of policy changes that have allowed it to shrink its inmate population by 12 percent, close more than 20 correctional facilities and keep a growing number of parolees from returning to custody.

The cornerstone of the effort is the Michigan Prisoner Reentry Initiative (MPRI). Launched in 2003 and expanded statewide in 2008, the initiative's mission is to equip every released offender with tools to succeed in the community. MPRI begins at intake, when a prisoner's risk, needs and strengths are measured to develop individualized programming. Prior to parole, offenders are transferred to a reentry facility, and a transition plan, which addresses employment, housing, transportation, mentoring, counseling and any necessary treatment for mental illness or addictions, is finalized in close collaboration with community service

providers. After release, officers use firm but flexible graduated sanctions—including short stays in a reentry center if needed—to manage rule breaking before it escalates to more serious transgressions.

The Pew/ASCA recidivism survey found a mixed picture in Michigan. Recidivism declined by 18 percent between 1999 and 2004 because of a dramatic drop in the reincarceration of technical violators, but returns to prison for new crimes jumped by almost 21 percent during the period. Those numbers, however, do not capture progress that has occurred under MPRI since Pew's observation period ended in 2007.

Overall, post-2007 preliminary figures from the Michigan Department of Corrections show that parolees released through the MPRI are returning to prison 33 percent less frequently than similar offenders who do not participate in the program. A closer look at all offenders released from Michigan prisons reveals that parole revocations for both new crimes and technical violations are at their lowest level since record keeping began 23 years ago. In 2009, there were 195 revocations for every 1,000 parolees—101 were for technical violations and 94 were for new crimes. A decade earlier, that figure was 344 revocations per 1,000 parolees—246 for technical violations and 98 for new criminal convictions.

The trend is particularly significant because Michigan's parole population has grown dramatically in recent years. As MPRI has produced positive results, members of the state's Parole & Commutation Board have become increasingly confident about parolee success, leading to higher parole approval rates. As a result, the state paroled roughly 3,000 more prisoners in 2009 than it did in 2006.

“

I want to be absolutely clear. I am not advocating that we reduce prison populations just to save money. Nonviolent offenders are still law breakers, and they will break laws until they learn their lesson. What I am saying is that we need to do a better job teaching nonviolent offenders the right lessons. That takes more than prison; it takes more than slap-on-the-wrist-probation. Drug and alcohol addiction must be broken; discipline and job skills must be learned. When that can be done better, outside of expensive prison walls, that is what we should do. Results matter, public safety matters, taxpayer dollars matter, saving lives and restoring families matter.”

Chief Justice William Ray Price Jr.,
Supreme Court of Missouri
February 9, 2011

“Although the roots of MPRI were clearly in a budget crisis, it was never only about saving money—it was a belief that doing corrections ‘right’ would result in a smaller prison system and large savings,” recalled former Michigan Director of Corrections Patricia L. Caruso. “We had to change our entire culture to focus on success. It was challenging, but fortunately, it worked.”



TACKLING TECHNICAL VIOLATIONS IN MISSOURI

In early 2002, Missouri faced a dilemma familiar to many states: A jump in the prison population had stretched capacity to the limit, yet budget woes and other funding priorities meant there were no dollars to increase prison capacity. The message from the governor's office and General Assembly was clear—no more prisons. Find another way to cope.

In response, Missouri policy makers took a hard look at what was driving their inmate population upward. Longer terms brought on by mandatory minimum sentencing were partly responsible. But the primary contributor was a steep rise in the number of parole and probation violators behind bars. The Pew/ASCA data confirm the diagnosis. In 2004, the state recorded an overall recidivism rate of 54.4 percent—the third highest among the states. Missouri also ranked

highest in the proportion of released offenders imprisoned for a technical violation (40.3 percent). That factor contributed to an overall increase in recidivism in Missouri of 12 percent between 1999 and 2004.

Over the next four years, Missouri mapped out a meticulous plan for managing all but the most serious violators in the community. It began with a work group that analyzed revocations, evolved into an inter-agency team that drafted a vision and set goals, continued through a pilot project and ultimately took flight through new policies and procedures, coupled with extensive parole and probation staff training, in 2006.

Today released offenders in Missouri are subject to “e-driven supervision” (the “e” is for evidence), which uses a new risk assessment tool to categorize parolees and help set supervision levels. When violations occur, officers have a range

of sanctions they may impose, from a verbal reprimand or modification of conditions, to electronic monitoring, residential drug treatment or “shock time” in jail.

“Every possible avenue is tried for that individual before we resort to sending him back to prison,” Missouri Director of Corrections George Lombardi said. “That approach is just part of our culture now.”

The payoff has been dramatic: 46 percent of offenders released in fiscal year 2004, for example, were returned to prison within two years, either for a new crime or technical violation. Since then, that rate has dropped steadily, and reached a low of 36.4 percent for offenders released in fiscal year 2009.

Missouri’s prison population, meanwhile, has held steady at about 30,500 inmates since 2005.

Improving Public Safety and Cutting Correctional Costs

With state revenues down and lawmakers forced to make cuts to vital public programs, corrections spending is under scrutiny like never before. Leaders from across the political spectrum are demanding a more effective correctional system that reduces recidivism and delivers taxpayers a higher public safety return on their investment.

States have been seeking better results in four main areas:

Staff and program cuts: The vast majority of states recently made or plan to make cuts to personnel and programs to save money. A recent survey of state corrections departments by the Vera Institute of Justice showed that least 32 states have implemented staff reductions or hiring freezes, and 22 states have eliminated programs or instituted cut-backs.¹⁶

Operating efficiencies: To save additional dollars, a number of states are finding ways to operate more efficiently by reducing the number of prison beds and closing facilities, reining in food service costs, investing in technology to streamline and improve institutional surveillance,

cutting back on inmate transportation costs and improving energy efficiency in facilities.¹⁷

Sentencing and release policies: Several states are reexamining their statutes that help determine who goes to prison and how long they stay. Many states are updating the dollar thresholds for various property crimes, realizing they have not been adjusted since the 1960s, while others are modifying penalties for drug crimes, including making more offenders eligible for prison alternatives.¹⁸ Other states are instituting or changing earned-time credit incentives for inmates.

Recidivism reduction strategies: Finally, almost all states have under way a variety of efforts to break the cycle of recidivism. In addition to improving correctional policy and practice, many of these initiatives involve coordination of offender services with other government agencies, such as health and housing, and community- and faith-based organizations.¹⁹

Policies targeted at reducing recidivism offer perhaps the ripest opportunities for achieving the twin goals of less

crime and lower costs. Research indicates that strong implementation of evidence-based practices (EBP) and programs can reduce recidivism rates by 50 percent.²⁰ Such powerful results were seen recently in Arizona, where a combination of new legislation and persistent efforts by the courts and probation officials to adopt EBP resulted in a 31 percent drop in new felony convictions of probationers during the past two years.²¹

That kind of change is unlikely nationwide over a short period, but Pew calculates that if the 41 states that responded to our survey with 2004 data could reduce their recidivism rates by just 10 percent, they could save more than \$635 million in averted prison costs in one year alone (see Exhibit 4 for an analysis of 10 states). More importantly, the drop in recidivism would mean fewer victims of crime.

Reducing Recidivism: Strategies for Success

Many states already are employing a mix of strategies proven to break the cycle of recidivism. Research shows that the largest reductions in recidivism are realized when evidence-based programs and practices are implemented in prisons and govern the supervision of probationers and parolees in the community post-release. While outlining a comprehensive reentry strategy is beyond the scope of this study, leaders in the field have published helpful resources that are available to policy makers and practitioners (see sidebar). For purposes of this report, we highlight a condensed array of approaches that states have used to reduce recidivism, hold offenders accountable and control corrections costs.

Exhibit 4

Protecting Public Safety and Cutting Costs

If just the 10 states with the greatest potential cost savings reduced their recidivism rates by 10 percent, they could save more than \$470 million in a single year.

(Potential Annual Cost Savings in Millions)

| CA | NY | IL | TX | AK | OH | NC | CT | NJ | MO |
|-----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| \$233.1 | \$42.0 | \$39.8 | \$33.6 | \$24.6 | \$24.3 | \$23.0 | \$20.8 | \$16.8 | \$14.4 |
| \$472.5 million | | | | | | | | | |

NOTE: Potential cost savings were calculated by multiplying each state's annual operating cost per inmate in 2005 by one-tenth of the number of offenders who returned to prison in 2004–2007. Annual operating costs per inmate in 2005 are from Pew Center on the States, *Public Safety, Public Spending: Forecasting America's Prison Population 2007–2011* (Washington, DC: The Pew Charitable Trusts, June 2007). To achieve the full estimated savings, states would have to close correctional facilities.

SOURCE: Pew/ASCA Recidivism Survey.

RESOURCES FOR DEVELOPING EFFECTIVE REENTRY AND SUPERVISION STRATEGIES

During the past decade, a number of leading criminal justice organizations, stakeholders and community leaders have developed comprehensive reentry and supervision strategies. There are a number of resources in the field aimed at helping policy makers and practitioners implement effective, evidence-based correctional policies and programs, including:

- Council of State Governments: *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community* and the many materials from the CSG Justice Center's National Reentry Resource Center.²²
- Urban Institute: *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes*²³
- National Governors Association Center for Best Practices: *Improving Prisoner Reentry through Strategic Policy Innovations*²⁴
- U.S. Department of Justice National Institute of Corrections and Crime & Justice Institute: *Implementing Evidence-Based Policy and Practice in Community Corrections*²⁵
- Pew Center on the States, Public Safety Performance Project: *Policy Framework to Strengthen Community Corrections*²⁶

1. Define Success as Recidivism Reduction and Measure and Reward Progress

Although America's first prisons were aimed at rehabilitation, in the twentieth century the mission became command and control. Keep the inmates inside the walls, prevent riots, meet constitutionally minimal standards of confinement and make sure staff is safe. Those were, and today remain, the chief marching orders for most wardens. Setting up inmates for success when they leave has not been part of the job description.

Successful efforts to improve public safety and control corrections costs should start with defining, measuring, tracking and rewarding correctional agencies' performance in terms of recidivism reduction. It is worrisome that not all 50 states were able or willing to provide data on key public safety outcomes such as the rate of reincarceration of released offenders. States cannot determine whether their correctional interventions are effective if they lack the basic data necessary to evaluate outcomes. Focusing on desired results such as decreasing

recidivism, reducing substance abuse, increasing employment and paying victim restitution encourages correctional agencies to set goals for these important outcomes, to track their performance and to use that information to manage and improve practice. Further, by offering incentives to agencies that reach defined targets, states can promote changes in practices—and agency culture—that lead to positive results for ex-offenders and improve public safety.

A number of states have adopted reforms to directly reduce recidivism, measure progress and reward success. In Kansas, for example, the legislature created the Kansas Sentencing Commission with the explicit responsibility of measuring and monitoring the state's progress in

reducing recidivism.²⁷ More recently, the Kansas legislature implemented incentive funding for diverting technical violators away from the expensive option of reincarceration. Legislation passed in 2007 provided \$4 million annually in state grants to county community corrections programs that submit plans to reduce revocations to prison by 20 percent.²⁸ Similarly, in the past three years, Arizona, California, Illinois and South Carolina each have passed legislation that sets up “performance incentive funding” programs for probation departments to reduce recidivism and technical violation rates.²⁹ The Arizona program provides refunds—equal to up to 40 percent of the resultant cost savings—to counties that cut revocations to prison.³⁰

The federal government, which provides hundreds of millions in aid annually to state and local justice systems, could help accelerate the trend toward results-based corrections. Similar to efforts that reward success in education and other fields, appropriate justice awards could be linked to progress on reducing recidivism and other key objectives.

2. Begin Preparation for Release at Time of Prison Admission

Prior to the past decade, little was done to smooth an offender's transition from prison back to the community. In most states, offenders typically were set free with a few dollars and the phone number of the local parole office. While the impulse to

“As a former prosecutor, I believe strongly in securing tough and appropriate prison sentences for people who break our laws. But it is also important that we do everything we can to ensure that when these people get out of prison, they enter our communities as productive members of society, so we can start to reverse the dangerous cycles of recidivism and violence.”

U.S. Sen. Patrick Leahy
(D-VT, chair, Judiciary Committee)
July 21, 2010

do the bare minimum may have reflected public sentiment, it did little to enhance public safety.

Over time, research has revealed a series of critical steps that can put offenders on a path to success. A large and growing body of evidence shows that the first such step is careful planning for release. Beginning at the time of prison admission, such pre-release preparation can yield positive results in the crucial first months after an offender returns to the community when he or she is at greatest risk of returning to prison.³¹

The process should begin with a thorough screening and assessment at intake to identify potentially urgent needs, such as substance abuse treatment and mental health services. The assessment should guide a case management plan during incarceration that uses evidence-based programming tailored to each offender's criminal risk factors. While in prison, offenders should develop relationships with parole officers and others who will be integral to their lives after release. Ensuring that conditions of supervision at home are clearly communicated and tailored to each individual's risk factors for reoffending is equally critical, and should be conveyed prior to an offender's release. In Oregon and Michigan, for example, field staff connect with inmates to help explore housing options, identify the need for mental health or other community services, and clearly communicate expectations and the rules of supervision.³²

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It's time to end business as usual in our prison system and for legislators to think and act with courage and creativity. We can make sensible and proven reforms to our criminal justice system that will cut prison costs while keeping the public safe.”

Former House Speaker Newt Gingrich (R)
January 8, 2011

3. Optimize Use of Supervision Resources

Decades of research have produced ample evidence and professional consensus about which case management strategies most effectively reduce recidivism and improve public safety. Effective community supervision begins with validated risk and needs assessments, the accurate categorization of offenders by their risk of reoffending and the development and implementation of case plans based on an individual's needs and risk of reoffending.

The identification of risk and needs is a critical step, because supervision and programs are most effective at reducing future crime when they are specific to an offender's individual profile.³³ Failing to match treatment with an offender's risk level can, in fact, have serious consequences. Research shows, for example, that putting lower-risk

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“If you just throw everyone in jail, it’s terribly expensive and they get out and they are in the same boat.”

Kentucky State Sen. Tom Jensen (R)
March 5, 2011

offenders in intensive programming actually increases their recidivism rates.³⁴ Evidence-based interventions targeting offenders with a moderate to high risk of committing new crimes produce better outcomes for both the offenders and the community.³⁵

Programming also is key, as research demonstrates that a combination of surveillance and treatment is more effective at reducing recidivism than reliance on monitoring and control alone.³⁶ Supervision can improve public safety and individual outcomes while maximizing the use of scarce correctional dollars by focusing on high-risk offenders and incorporating critical community-based mental health and substance abuse services, education and employment assistance.

Some states have codified the use of risk and needs assessments and individualized treatment plans and directed resources toward higher risk offenders. For example, in 2010 New Hampshire passed a bill mandating the administration of risk and

needs assessments to all offenders on probation and parole to inform decisions about the length of active supervision terms.³⁷ Illinois passed a similar law in 2009, creating a task force to deploy a tool to evaluate offenders’ risks, needs and resources necessary to improve outcomes. The state mandated use of this tool with at least 75 percent of the incarcerated and parole populations within five years.³⁸ Washington’s Offender Accountability Act, passed in 1999, required that felony offenders be classified according to their risk of reoffending, and that those at higher risk receive proportionally more staff attention and rehabilitation resources.³⁹

4. Impose Swift and Certain Sanctions

Some technical violators should undoubtedly be returned to prison, particularly those who violate conditions such as “stay away” orders that have a direct link to victim safety. But progressive sanctions that hold the offender accountable and keep him or her in the community—and therefore connected to family and employment—can be just as effective, if not more effective, than a costly revocation.⁴⁰

When using alternative sanctions, agencies should ensure their officers respond to violations swiftly with consequences that are proportional to the seriousness of the wrongdoing. One model of this approach is delivering remarkable results in Honolulu, Hawaii,

where the penalty for rule-breakers is a swift and certain few days in jail. Aided by collaboration among prosecutors and defense counsel, police, probation officers and treatment providers, Hawaii's Opportunity Probation with Enforcement (HOPE) program has proven in a randomized controlled trial to cut both revocations and new arrests by more than 50 percent.⁴¹

5. Create Incentives for Offenders to Succeed

Criminal justice professionals and academics have long debated whether parole and probation agencies should tilt more toward law enforcement or social work. The result is a system that tries to do a little of both, and ends up being mainly reactive, waiting for offenders to break the rules and then figuring out how to punish them.

More recently, the field has begun to benefit from research that shows offenders, just like everyone else, respond better to the prospect of rewards than to the fear of punishment. Behavioral incentives, such as offering ex-offenders the opportunity to reduce the length of their supervision terms, can be a powerful carrot, motivating them to obtain and hold a job, stay sober and in treatment, abide by other conditions of release and avoid new crimes.⁴² In addition to promoting positive behavior by offenders, earned-time credits help clear low-risk offenders from caseloads so supervision

agencies can focus on higher-risk parolees and on the critical period immediately following release.

A growing number of states are embracing earned-time credits as part of their correctional approach. In the past three years, Arizona and South Carolina passed laws authorizing their courts to reduce the term of an offender's probation by up to 20 days per month for every month the offender meets certain measures of compliance.⁴³

Nevada passed a similar law granting earned-time credit to offenders who meet specified education and treatment conditions. Recent legislation in New Hampshire directed the commissioner of corrections to issue a rule establishing standards for offenders to receive credit for participation in recidivism reduction programs.⁴⁴

A Promising Start

The nation's persistent fiscal crisis has made corrections a prime focus for policy makers. Even if states could afford to keep building and operating more prisons, recent research and the experience of several states now make it clear that there are strategies for controlling low-risk offenders and those who break the rules of their supervision that cost less and are more effective. Increasingly, lawmakers around the country are recognizing that aggressive recidivism reduction is a smarter

approach to curbing corrections costs and protecting public safety.

At least 95 percent of inmates in America ultimately will be released and returned to the community.⁴⁵ Keeping them crime- and drug-free is no easy assignment. Many offenders lacked education, work experience, family support and a stable living situation before they were incarcerated, and many suffer from mental illness or a history of addiction. Once released, ex-offenders have the added stigma of a prison record, a considerable

barrier to employment. Moreover, the parole and probation agencies charged with supervising them often are burdened with high caseloads and outdated technologies.

Despite the obstacles, states such as Oregon, Michigan and Missouri are demonstrating success in reducing victimization and closing the revolving door that for so long has funneled a stream of repeat offenders back into prison. Their work and promising initiatives under way in many other states deserve attention now more than ever.

Appendix: Methodology

The Public Safety Performance Project of the Pew Center on the States, in conjunction with the Association of State Correctional Administrators (ASCA), conducted a 50-state survey of state departments of correction during 2009. Pew and ASCA collected data for two cohorts released in calendar years 1999 and 2004. The questionnaire was designed to collect recidivism data for sentenced prisoners released from state correctional facilities who returned to custody for either a new criminal conviction or a technical violation of the terms of their supervision within 36 months of their release. The survey asked states to report an individual returned both for a new conviction and a technical violation as a new conviction.

Upon receipt of the surveys, Pew followed up with the states to verify the responses and solicit clarifications for any outstanding questions. We received responses from 33 states with data for the 1999 release cohort and 41 states with data for the 2004 cohort. Despite our best efforts to collect uniform and comparable data across states, the diversity of state practices in data definitions makes

assembling purely analogous data difficult. Specific areas of inconsistency include:

Period of Observation: The survey asked states to report recidivism data for cohorts released in calendar years 1999 and 2004. Three states (Iowa, New Hampshire and Texas) reported data from fiscal years 1999 and 2004.

First Releases versus All Releases: States varied concerning whether they reported only an inmate's first release for a particular offense during the calendar year, or all releases. In the Pew/ASCA survey, 13 states provided data only on first releases from prison (Exhibit A1).

Return for New Conviction versus Technical Violation: The survey asked states to classify any individual who was returned to custody for both a technical violation of the terms of his or her supervision and for a conviction of a new crime as having returned for a new crime. However, due to limitations in data collection and database management, some states were unable to report in the requested manner. Exhibit A2 shows how states reported offenders who were

returned to prison within three years of release for technical violations and then, while incarcerated, were later convicted of a new crime that occurred prior to the return to prison.

Differences Between the Pew/ASCA Survey and BJS Research

The Pew/ASCA survey and the earlier BJS research differ in important ways. First, the studies used distinct methods of collecting recidivism data. The Pew/ASCA survey asked all states to self-report data on releases from and returns to prison. For its research, BJS collected data for all prison releases from 11 states in 1983 and 15 states in 1994 and drew a sample from each of those states based on offense category. Researchers then constructed samples to match with offender “rap sheet” data to create rates of rearrest, reconviction and return to prison. BJS analyzed these release cohorts for three years following release.

A second key difference between the studies is that the Pew/ASCA survey included more than twice as many states as the BJS studies. The Pew/ASCA survey includes either 18 or 26 more states than the BJS 1994 recidivism study, depending on which cohort is used as a point of comparison. The 12 states that were included in both the Pew/ASCA 1999 survey and the BJS 1994 study had an average recidivism rate of 47.9 percent

Exhibit A1

States Providing Data on First Releases versus Data for All Releases

| DATA FOR FIRST RELEASES ONLY | DATA FOR ALL RELEASES |
|------------------------------|-----------------------|
| Alaska | Alabama |
| California | Arizona |
| Indiana | Arkansas |
| Massachusetts | California |
| Mississippi | Connecticut* |
| Montana | Georgia |
| Nebraska | Illinois |
| New Jersey | Indiana* |
| North Carolina | Iowa |
| Oregon | Kansas |
| Pennsylvania | Kentucky |
| Rhode Island | Louisiana |
| South Dakota | Michigan |
| | Minnesota |
| | Missouri |
| | New Hampshire |
| | New Mexico |
| | New York |
| | Ohio* |
| | Oklahoma |
| | South Carolina* |
| | Texas |
| | Utah |
| | Virginia |
| | Washington |
| | West Virginia |
| | Wisconsin |
| | Wyoming |

NOTES: Connecticut and South Carolina report only most recent release. Indiana reports an offender's first release in a calendar year, but that may not necessarily be their first release for their current offense. Ohio does not count more than one release in the same calendar year. Idaho and North Dakota did not verify release type.

for the 1999 cohort—a figure closer to the 51.8 percent reported by BJS for 1994. When California is excluded from the national figures, the recidivism rates for the remaining states decline to 39.7 percent and 38.5 percent for the 1999 and 2004 release cohorts, respectively. These rates are similar to the 40.1 percent rate that BJS produced for its 1994 release cohort when excluding California. The inclusion of additional states contributes to a more representative national recidivism rate.

A third difference is that the Pew/ASCA survey did not include individuals who were released from prison in one state and who may have been incarcerated subsequently in another state. This is a reflection of the self-report data gathering process of the Pew/ASCA study. State departments of correction reported on people who returned to one of their facilities, which would not count a former offender who was incarcerated in another state. The BJS study, on the other hand, did include out-of-state incarceration data. This is likely to impact states differently, depending on proximity to high-crime areas in neighboring states or major interstate drug corridors, for example.

Finally, the BJS study collected data on inmates who were being released for the first time since beginning their current sentence. Any individual who had been released in a prior year and was released again during 1994 on the same sentence

Exhibit A2

How States Classify the Reasons Offenders Were Returned to Prison

| NEW CONVICTION | TECHNICAL VIOLATION |
|----------------|---------------------|
| Alabama | Alaska |
| Arizona | Arkansas |
| Indiana | California |
| Iowa | Connecticut |
| Kansas | Georgia |
| Massachusetts | Kentucky |
| Michigan | Louisiana |
| Minnesota | Montana |
| Missouri | New Hampshire |
| Nebraska | New Mexico |
| North Carolina | New York |
| Ohio | Rhode Island |
| Pennsylvania | West Virginia |
| South Carolina | |
| Texas | |
| Utah | |
| Washington | |
| Wisconsin | |

NOTES: Illinois, Mississippi, New Jersey, Oklahoma, Oregon and Wyoming did not verify in all cases whether a person returning to prison for a technical violation ultimately would be updated and reclassified as a new conviction subsequent to the final disposition of the case. South Dakota and Virginia do not take jurisdictional control of an offender until all outstanding charges have been processed. Idaho and North Dakota did not verify how they classify an offender's return to prison.

would be excluded from their analysis. In the Pew/ASCA study, only 13 states reported data for first releases. The remaining 28 states provided recidivism data for all releases. These state reporting variations and the out-of-state factor are likely to account for a minimal part of the

difference in the recidivism rates between the two methods.

Jurisdictional Notes

Within the 50 states and the District of Columbia there are hundreds of prison, probation and parole agencies (in addition to many more jails and community corrections agencies) operating with different population and budget counting rules. The following notes are provided to explain some of these differences and to account for many of the idiosyncrasies in the reported data. The notes are based on direct communication with state officials, but they are not a complete description of all counting issues.

Alaska—Alaska operates a unified prison and jail system. The number of persons released and returned to the custody of the Department of Corrections includes both prisoners and an unspecified number of individuals housed in jail.

Arkansas—Since 2003 (women) and 2004 (men), the Arkansas Department of Community Corrections has operated two distinct programs that provide alternatives to traditional incarceration for adult offenders who fail to comply with terms of parole supervision. This policy change has impacted the rate of return to prison for a technical violation for the 2004 cohort.

Connecticut—Connecticut operates a unified prison and jail system. The

number of persons released and returned to the custody of the Department of Corrections includes both prisoners and an unspecified number of individuals housed in jail.

Georgia—Beginning in 2000, Georgia prohibited misdemeanants from being supervised by state probation officers. Misdemeanants placed on probation were supervised by private probation companies, county or municipal providers. Prior to this change, misdemeanants were subject to revocation to prison as a result of their probation status. As a result, an unspecified number of misdemeanants may be present in the 1999 release cohort.

Iowa—Iowa reported data for its state fiscal year (July 1 through June 30) rather than calendar year.

Kansas—Kansas reported data for its state fiscal year (July 1 through June 30) rather than calendar year. Data include offenders paroled to another criminal justice jurisdiction if the offender was later released from that jurisdiction during the stated time frame. The data also include offenders whose sentence has expired and who will no longer be under the Kansas Department of Corrections jurisdiction. For readmissions, if the offender had been discharged, he or she can be admitted and classified only as “with a new sentence.” For every readmission, the state’s conviction file was checked to

see if there were any convictions entered with the admission in which the offense was committed while the offender was in the community. This would then count as an admission with a new sentence. Any crimes committed while the offender was incarcerated were not included. The admission was to have occurred within 36 months of release. Offenders who were on post release/parole and readmitted were counted as technical violators if no new conviction (that was committed in the community while the offender was on post release/parole) was found with the new admission.

Massachusetts—Massachusetts did not have data on releases to probation for 1999 so, in the interest of reporting comparable data, releases to probation were excluded for the 2004 release cohort as well.

New Hampshire—New Hampshire reported data for its state fiscal year (July 1 through June 30) rather than calendar year.

Texas—Texas reported data for its state fiscal year (September 1 through August 31) rather than calendar year.

Wisconsin—Wisconsin monitors persons three years from the day of release, plus any subsequent reconfinement time in a Department of Corrections (DOC) facility experienced

during the three-year follow-up period. For example, if an individual is returned to custody for 30 days within the three-year follow-up period, an additional 30 days will be added to time during which he or she is monitored for the purposes of calculating a recidivism rate. Wisconsin counts case dispositions that go beyond the three-year follow-up period if the new crime took place during the follow-up period and disposition took place later. For example, there is a 322-day span between the crime date and a final court disposition. A person in the 2004 release cohort who was subsequently re-admitted to prison at the very end of the follow-up period (12/31/2007), whose admission was classified as violator-no new sentence, but who later received a conviction for the crime that took place during the three-year follow-up period, would be counted as a new conviction for the 2004 release cohort.

In addition, Wisconsin represents persons as recidivists (new conviction) who committed a crime within the three-year at-risk period, and whose disposition for that crime resulted in a prison admission. This means that, for example, a person in the 1999 release cohort who committed a crime in 2000, but who was not apprehended, charged, convicted and sentenced to prison until 2008, is still counted as a recidivist (new conviction) under the Wisconsin DOC numbers.

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